

City of Taylorsville
Planning Commission Meeting Minutes
Feb 12, 2019
Pre-meeting – 6:00 p.m. – Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Anna Barbieri – Chair
Justin Peterson – Vice Chair
Lynette Wendel
Don Quigley
John Warnas
Kent Burggraaf
Marc McElreath
Becky Scholes – Alternate


Community Development Staff


Mark McGrath – Director of Community Development
Angela Price – Senior Planner
Amanda Roman – Associate Planner
Stephanie Shelman – Deputy City Attorney
Jean Gallegos – Admin Assistant/Recorder

PRESENT: Will Milligan, Kyle Reeder, David Joseph, Debra Hudson Penn, Seth Vance, Sarah Zarate, David Young


WORK MEETING – 6:00 p.m.

1. Briefing session to review the Agenda was conducted in Chambers by Mark McGrath, Director of Community Development at 6:00 p.m. where Mr. McGrath discussed each individual item. The Agenda included one zoning map amendment and two zoning text amendments. (Mark McGrath/Community Development Director)


- 1.1 **Mr. McGrath** gave an overview to the Commission:  6:08 PM He discussed Items #3 and #4 saying that they pertain to the same application. A Site-Specific Development District is being proposed for this site. This is a zoning map amendment to rezone the site to SSD/R/Thornhill. The new zoning requirements will be specific to this one property in Taylorsville. The second half of the application is the change to the Zoning Ordinance to allow that designation. He went over some things that had occurred involving this site in the past and commented on the new option called “Transfer of Development Rights”, which involved transfer of property rights from a piece of land in the Taylorsville Park over to this property being discussed this evening. This piece of property is part of the Thornhill Apartments, but which was never developed along with the apartment complex which was done in the 1980’s under the jurisdiction of Salt Lake County. To this time, the area in question has been used as a storm water retention basin. Under the Transfer of Development Rights, what is being contemplated is transferring the residential density from that area in the Park to this site to expand the apartment site. Then the owner of the apartment complex would donate the property by Taylorsville Park back to the City, since all developments rights would have been transferred from that property. It would then be integrated into Taylorsville Park use. That would be one way to expand an open space in a park in Taylorsville without an acquisition expense to the taxpayers. It was felt this would help alleviate the housing shortage being experienced in the City right now. The first take at doing this turned out to be excessively difficult to do so Staff went back to the drawing board to figure out a way to accomplish that same thing in an easier way. That is where it was determined to investigate the SSD possibility where the property would be rezoned to about 20 units per acre, which would allow the development to add units and through development agreement between the developer and the City Council they would still buy those properties over by Taylorsville Park and donate them back to the City for the expansion of the Park. This accomplishes the same thing in an easier format. The new buildings would look essentially like what is already in place there and parking would not be a problem because it has been factored in. **Commissioners** felt that parking may become a problem in that people will want to park along 1500 West, which could not handle that and suggested possibly reducing the number of proposed new units from 15 to 12. **Mr. McGrath** advised that the number of proposed units correlates to the land swap deal. **Commissioner Wendel** suggested that a creative

parking plan might ease that situation, which includes maybe adding parking permits.  6:31 PM **Mr. McGrath** said that there are over 40 parking stalls in that area now which are being under used so he did not feel parking would be a problem. **Commissioner Quigley** suggested posting that street for no overnight parking being allowed and to allow it during the day time. **Mr. McGrath** said it is already in the Ordinance to not allow overnight parking on streets and when there is snow, no parking is allowed on streets at all. **Commissioner McElreath** asked if parking was allowed along 1500 West and was advised that it was, except as previously noted.


1.2 **Ms. Price** explained her agenda item #5 regarding a Text Amendment to Chapter 13.11.230 and Chapter 13.37 both regarding telecommunication facilities.

1.3 **Commission Chairman Barbieri** asked to have a few minutes to address the Commissioners. She talked about her goals and expectations for the Commission for the upcoming year and presented a video made by President G.W. Bush. She emphasized that she wanted everyone to enjoy their time on the Commission and said she would welcome any suggestions anyone has to make the experience better for everyone.  6:38 PM

REGULAR SESSION – 7:00 PM

Commissioner Barbieri welcomed those present and explained the process to be followed this evening.  7:00 PM

CONSENT AGENDA

2. Review/approval of Minutes for December 11, 2018.  6:08 PM

MOTION: **Commissioner Wendel** – I will make a motion to approve the Minutes for the meeting held on December 11, 2018, as presented.


SECOND: **Commissioner Quigley**


VOTE: All Commissioners present voted in favor. Motion passes unanimously.

Commissioner Barbieri opened the public hearing and yielded the floor to **Mr. McGrath**.

ZONING MAP AMENDMENT

3. File #1Z19 – Recommendation to the City Council for a Zoning Map Amendment for 13.26 Acres Located at 1680 West Thornhill Drive from RM-12 (Multi-family Residential, 12 units per acre) to SSD-R-Thornhill (Site Specific Development District. (Mark McGrath/Community Development Director)

 **7:02 PM**

3.1 **Mr. McGrath** discussed the Zoning Map Amendment and Zoning Text Amendments for 1680 West Thornhill and made one presentation covering both; adding that there will still need to be two motions.  7:03 PM He gave a visual presentation showing the logistics of the subject property. The two items on the agenda tonight are a text amendment to the Development Code adopting a new zoning classification, SSD/R Thornhill Park and a Zoning Text Amendment to the Municipal Code, Chapter 13.30. The zoning classification makes it unique to this property. This will be the third instance where the SSD zoning classification has been implemented in the City. This also involves a portion of the property near Taylorsville Park just north of 4800 South. As part of this rezoning, the property owners for Thornhill Apartments will purchase the lots in question near Taylorsville Park and in a transfer of development rights transfer the units they could build on the Park property to this site. That will be handled through the City Council with a development agreement between the City and the owners of Thornhill Apartments. He showed the site plan for the proposed development which shows the energy for the complex is in the middle. The rezoning is intended to facilitate

the building of two new 16' structures that will extend the apartment complex onto the 1.74 acres in question. That will essentially build 32 new dwelling units on the vacant property which will entail two two-story buildings that match the existing buildings in materials and architectural style. In addition to the new buildings there would be 43 additional parking stalls built, extending the east row of parking. Access to the units would be from 5600 South on the existing ingress/egress point. He showed the proposed landscape plan, which indicates a combination of turf, with trees. They plan to save the existing mature trees and plant additional trees, along with foundation shrubs around the building. He added that each unit will contain two bedrooms and two bathrooms. A chain link fence is being proposed around the addition. He felt the primary issue was parking. According to existing standards for parking requirements for multi-family zoning for two-bedroom units two parking stalls are required per unit so for 32 dwelling units that would be 64 parking stalls. In addition to that there is a requirement for .25 parking stalls per dwelling unit for guest parking. That would equate to 72 new parking stalls. Given the configuration of the property, the applicants are proposing an additional 43 parking stalls, which is obviously short of the 72-parking stall requirement. There is existing parking available in close proximity. One objective in the review process is to minimize the potential impact by this development on the surrounding single-family neighborhood. Therefore, it is important that the parking for these units does not spill over onto 1500 West. The logical solution would be to require that the existing parking stalls be reassigned and associated with the new building instead of with the existing buildings. Adoption of the new zoning classification would facilitate the development of the 32 additional units on the undeveloped property and in exchange for that zone there would be some property donated back to the City at the Taylorsville Park.

3.2 **FINDINGS:**


1. BIG Thornhill Utah, LLC has made application to the City of Taylorsville to amend the Taylorsville City Code by adopting a new Site-Specific Development designation that would facilitate the construction of 32 additional two-bedroom dwelling units at the Thornhill Park Apartments at 1680 West Thornhill Drive.
2. The subject property is comprised of approximately 13.26 acres, of which 11.47 acres is developed as a 232 dwelling unit apartment complex. The remaining 1.79 acres is undeveloped and is currently being utilized as a storm water overflow area.
3. The existing apartment complex was developed under the jurisdiction of Salt Lake County prior to the incorporation of the City of Taylorsville. At the time of development, the apartment complex was approved at an overall density of approximately 17.5 units per acre.
4. Upon Taylorsville incorporation, the subject property was rezoned to RM-12 (Residential Multi-Family – maximum 12 units per acre) rendering the property a “legal non-conforming use”.
5. Constructing 32 additional dwelling units on the undeveloped 1.79 acres of the subject property would result in a new overall density of 19.91 units per acre.
6. Previous to rezoning the property, a companion ordinance must be adopted to provide specific development standards for the new SSD-R-Thornhill Park classification.
7. The development standards are based on the provisions of Chapter 13.19 Site Specific Development (SSD) Districts of the Taylorsville Municipal Code.
8. The proposed development standards will guide future development at the subject site by identifying standards for land use and density, architectural design, site planning, grading and drainage, vehicular circulation and parking, pedestrian mobility and circulation, screen walls and fences, and exterior lighting.
9. All current development standards and regulations within the Taylorsville Land Development Code shall apply in the SSD-R-Thornhill Park classification to all matters not specifically addressed.

3.3 **STAFF RECOMMENDATIONS:** Generally, Staff feels like the proposed development is appropriate for the location. The landscaping and the proposed buildings are architecturally compatible with the existing project. Staff recommends the following amendments:


1. More detail be provided on the submitted drawings to ensure architectural compatibility with the existing complex. Colors, exterior materials, roofing colors and materials, lighting, windows, etc., should be detailed in the exhibits.
2. Closer compliance with current parking standards. This can be accomplished by adding additional parking, reducing the number of units and/or the number of two-bedroom units. Covered parking should be included.


3. Grading and drainage plans must be reviewed and approved by the City Engineer.
4. Chain link fence should be replaced with a higher grade of fence such as ornamental iron.
5. The dumpster enclosure should be constructed of a similar masonry material as is used on the dwelling units.


3.4 **DISCUSSION:**

3.4.1 **Commissioner McElreath** said that Mr. McGrath had indicated that the parking currently there would potentially be dedicated to the new units and wondered if that would just shorten the parking for the apartment facility overall. **Mr. McGrath** said in the overall complex they are right where they need to be parking-wise. The issue is that parking is more slated towards the western portion of the site. What needs to be insured is that all the existing parking at the east end will be associated with the new buildings. So that if a tenant has more than one car they both can be parked in the same general area of the complex.  7:15 PM



3.4.2 **Commissioner Wendel** asked for clarification from Mr. McGrath's statement that the whole complex is close to where it needs to be parking-wise. Which would mean that currently they are at the 2.25 stalls per unit. **Mr. McGrath** said that they are not at the 2.25 figure because the current units are one bedroom, which has a lesser parking requirement. **Commissioner Wendel** asked then if that meant there was no excess with the original complex. **Mr. McGrath** said that essentially where they are right now they are slightly over-parked. They met what Salt Lake County's Code requirements were back in the 1980s, but the current Code is slightly less than that right now. So right now, they are a little over parked but when they add the new units they will be right where they need to be.

3.4.3 **Commissioner Burggraaf** said that the Staff Report notes that the recommended motion is to move to forward the application and he wondered if that was voting on something that is not sufficiently defined and is advocating the decision-making authority to Staff in deciding what would be a satisfactory resolution. He wanted to know if there were a way to have a solution tonight and include it so that this can be moved forwarded to the City Council or if there were no way to reach that type of conclusion tonight was it something that actually needs to come back for decision so that the Commission is not advocating their decision authority. **Mr. McGrath** said that he was not implying that in the Staff Report but rather that it can be handled in two different ways, the Commission could either make the approval contingent, for example, on addressing the parking another way or the fence being another issue. If the Commission's approval was contingent on that Staff would fix it all before it goes to the City Council. Or, if the Commission felt more comfortable they could give Staff that input to go back, fix the ordinance and bring it back when it is 100% done. **Commissioner Burggraaf** said that in other words, either the Commission defines what would be a satisfactory resolution that the applicant works out with Staff or waits until that satisfactory resolution is in place, with which he was okay. **Mr. McGrath** said that was correct and added that the issues are minor enough that Staff feels comfortable with the Commission delegating that to Staff to clean up based on Commission input prior to going to the City Council. Or, the alternative in fixing the ordinance and bringing the application back to the Commission was also a viable option. 


3.5 **APPLICANT ADDRESS:** **Kyle Reader** (Attorney) and **Will Milligan** (Representing the owners)  7:19 PM The applicants addressed the parking issue saying that with the addition of parking spaces, they will be six over. That right now they are 35 spaces over and these new units will take it down to six. Right now, the parking in that particular area is presently very under-utilized. Therefore, allowing the two new buildings to utilize the present parking is not an issue. There will be some covered parking stalls, which will be designated for specific apartments. Another issue discussed with Mr. McGrath is that the fence will not have a gate, so there would be no incentive for anyone to park along 1500 West and walk all the way back around.


Commissioner McElreath  7:21 PM said the first statement was that the parking stalls are currently at 35

and asked for clarification of that statement. **Mr. Milligan** said that there are 453 existing parking stalls. With the current unit mix configuration there are 24 two-bedroom units, requiring two stalls; there are 208 one-bedroom units, requiring 1.5 stalls. Then for that total of units .25 is required for guest parking. He noted that currently there is ample parking available on the site. He then said they were in favor of having the lower maintenance fence requirement as suggested. **Commissioner Barbieri** said that she normally would not be in favor of a fence but in this case was concerned with the amount of residential across the street and the high density along with the parking concerns. She commented that there are a lot of children in this immediate area so felt that the fencing would be a great bonus for all concerned. She liked the idea of the fence being wrought iron or aluminum fencing. **Mr. McGrath** added that wrought iron isn't really made anymore. **Commissioner Barbieri** complimented the project owners for always doing a nice job in keeping their area clean and well maintained. **Commissioner Quigley** added that he concurred that the fence is absolutely necessary to control the parking access on 1500 West and would prefer it be something similar to what they have in place around the swimming pool.

3.6 **SPEAKING:** **Debra Hudson Penn**, lives east across 1500 West.  7:34 PM She was concerned about access and was satisfied with answers received this evening. She did not object to this proposal and if it happens, a fence should definitely be a requirement along with substantial landscaping being added. That she personally has some issues with the current apartment complex, with an increase in crime being her main concern. She wanted to make sure the Commission knows there is a Deaf Center across the street to the east from this location, which fact should be taken into consideration.  7:35 PM

3.7 At this point, **Commissioner Barbieri** closed the public hearing.  7:37 PM

3.8 **DISCUSSION:**  **Commissioner Wendel** addressed the fact that the Deaf center is in such close proximity and wanted to know if that might be a reason for not allowing parking along 1500 West. **Mr. McGrath** advised that if it did evolve into a problem the City would definitely want to take some preventative measures. That the City does have the right anyway to mark it as no parking because it is a public street. **Commissioner Barbieri** commented that she likes the proposed plan and is excited that Taylorsville is getting additional property for the park and appreciates the fact that property owners are having to deal with vacant sites when there is a need for additional housing in the Salt Lake Valley, therefore, she appreciated this proposal. She complimented the Thornhill representatives for the way they have maintained their site, especially the maintained landscaping and general cleanliness. Her preference would be the ornamental aluminum fence and for them to add significant amounts of landscaping. **Commissioner Burggraaf** agreed that the two main issues were the fencing and parking. He wanted to know Staff's reasoning regarding the parking stall issue. **Mr. McGrath** added he just wants to make sure the parking is designated for the new buildings. **Commissioner Burggraaf** suggested including the aluminum type fencing as a condition for approval. He felt that something such as is existing around the swimming pool now. **Commissioner Quigley** offered to amend Staff Recommendation #4 to be ornamental aluminum fencing with no gate. **Commissioner Burggraaf** suggested that did not necessarily need to be the standard but in his view would be ideal. **Commissioner Quigley** also recommended that it be added that there will be gate in that fence around 1500 West. **Commissioner Warnas** wanted to know if #2 also needs to be amended because parking has been clarified. **Commissioner Peterson** felt that it needs to say is that those stalls nearest to the new units will be assigned to those units. wanted to make sure that the covered parking stalls are assigned to specific apartments. **Mr. McGrath** said that a simple note on the site plan so designating the parking would be sufficient for that and would not be necessary for inclusion in the ordinance.

3.9 **MOTION #1:** **Commissioner Quigley**  I would recommend that we move to have the applicants work with the Staff to address the issues articulated in Staff Recommendation, more specifically to Item #2 and Item #4. Item #2 relating to the parking standards being in compliance with what has been discussed in this meeting. **Mr. McGrath** – There will be 43 new stalls and then dedicate the 37 existing stalls. **Commissioner Quigley** – Include that. With regard to Item #4. **Commissioner Barbieri** – we will need a separate motion for each application. **Commissioner Quigley** - No because we are doing Item #3 first and then Item #4 is with

regard to moving this on to the City Council . This recommendation or motion all pertains to Item #3 on the Agenda. **Mr. McGrath** said that was correct because the next item is for the actual zoning designation.

Commissioner Barbieri - Okay. **Commissioner Quigley** - Further, the motion will be as pertaining to Item #4 that the chain link fence would be replaced with the high-grade aluminum fence similar to that which is already on the property surrounding the pool area and will be absent of any gate on 1500 West and will wrap around to the point of ingress/egress on 5600 South. **Commissioner Burggraaf** – Point of clarification. It seems like to me that Item #3 is just changing the zoning. **Mr. McGrath** – That is correct. #3 is the map change and #4 is the zoning text amendment designation. **Commissioner Burggraaf** - Second point of clarification is that we still must do a public hearing on Item #4 before we do a motion. **Commissioner Quigley** – Is what we are saying is that we are ahead of ourselves, right. **Commissioner Barbieri** – Correct.


- 3.10 **MOTION #2: Commissioner Quigley** – Okay, then the motion would be that we approve Item #3 to designate the SSD-R-Thornhill Park as recommended by the Staff Report. **Commissioner Burggraaf** – Would a friendly amendment be accepted so say that this is being recommended for approval by the City Council as opposed to our approving it. **Commissioner Quigley** - Yes.


SECOND: Commissioner Warnas.

VOTE: All Commissioners present voted in favor. Motion passes unanimously.

ZONING TEXT AMENDMENTS

4. File #1Z19 – Recommendation to the City Council for a Zoning Text Amendment to the Taylorsville Municipal Code, Chapter 13.40 to include SSD-R-Thornhill. (Mark McGrath/Community Development Director) **NOTE:** This item was presented in conjunction with Item #3.


- 4.1 Public hearing was opened by **Commissioner Barbieri** and because there was no one wishing to speak to Item #4, she closed the public hearing.  7:46 PM She opened the hearing for discussion by the Planning Commission or a motion.


- 4.2 **MOTION: Commissioner Quigley** -  Upon resolution of these issues articulated by the Staff Recommendation, I move to send a recommendation of approval to the City Council amending the zoning of 1680 West Thornhill Drive from RM-12 to SSD-R-Thornhill with the added amendment as to the compliance with the parking ratio and the standards to meet our existing . . . **Mr. McGrath** – We can simply say stipulating on the site plan that the 37 existing stalls be associated with the new units. **Commissioner Quigley** - Okay, add that. Secondly, as pertaining to Item #4, the chain link fence should be replaced with a high-grade aluminum fence, absent of any gate onto 1500 West and said fence will wrap around onto 5600 South to the point of the driveway or ingress/egress to the north side of the property.

SECOND: Commissioner Peterson.

VOTE: All Commissioners present voted in favor. Motion passes unanimously.

5. File #2Z19 – Recommendation to the City Council for a Zoning Text Amendment to the Taylorsville Municipal Code, Wireless Telecommunication Facilities, Section 13.11.230, and Design Standards, Chapter 13.37. (Angela Price/Senior Planner)


- 5.1 **Ms. Price** presented this item.  7:50 PM Staff is proposing a text amendment to the Taylorsville Municipal Code, Wireless Telecommunication Facilities, Section 13.11.230, and Design Standards, Chapter 13.37. The proposed text amendment will add non-discriminatory requirements for the development of Small Wireless Facilities (SWF). Additionally, the text amendment will provide consistency, clarity and compliance with State statute. She then summarized the changes as being: (1) Franchise Agreement – language is being added to clarify that Franchise Agreements are between the Franchisor and the Franchisee and are non-transferable without the written consent of

the Franchisor; (2) Master Plan Requirements – were detailed to provide guidance to providers on the Master Plan submission; (3) Design Standards - additional requirements were added to this section to ensure compatibility with existing streetscapes and to project view sheds.  7:51 PM She showed images of the nodes that have been approved and installed in the City thus far to give the Commissioners a better feel for what they are and to show issues Staff is addressing with the applicants and which will be corrected through this change in the ordinance.


5.2 **FINDINGS:**

- 5.2.1 This application was initiated by the Community Development Department.
- 5.2.2 Staff is proposing changes to Franchise Agreements (13.11.230 (C) and Master Plan requirements (13.11.230 (D).
- 5.2.3 Changes have been proposed to the Design Standards for Small Wireless Facilities (13.37).
- 5.2.4 A text amendment to the Taylorsville Municipal Code must be approved or denied by the City Council.

5.3 **STAFF RECOMMENDATION:** That the Planning Commission makes a positive recommendation to the City Council for a text amendment to the Taylorsville Municipal Code Wireless Telecommunications Facilities Section, 13.11.230 and Design Standards, 13.37.

5.4 **DISCUSSION:**  **Commissioner Barbieri** asked who will be responsible of removing these facilities when they are no longer used. **Ms. Price** said that the provider will be responsible through parameters outlined in the Franchise Agreement. **Commissioner Peterson** asked if they were required to bond and **Ms. Price** said they were. **Commissioner Wendel** complimented Ms. Price on doing a good job on this. She referenced Section I, #5 which references being “out of round”, wondering if that meant above ground and asked for clarification. **Ms. Price** said that was language furnished by the City Engineer and she interpreted that to mean the sonotube is above the foundation, so it is just saying the foundation needs to be poured within the sonotube and doesn’t protrude above. **Commissioner Wendel** then asked since these are in residential zones did that mean they are not dictated by the State and **Ms. Price** said they are. The language involving residential zones is directly from SB-189 and requires installers to obtain permits from the City. That also means cities have little to no ability to regulate these facilities because of the content of SB-189. Staff is trying to limit the impact on the neighborhoods and commercial areas as much as is possible under these limits imposed by the State of Utah.

5.5 **Commissioner Barbieri** opened the public hearing and because there was no input, closed the public hearing and asked for discussion from the Commission or a motion.

5.6 **MOTION:** **Commissioner Peterson** - I will make a motion to forward a positive recommendation to the City Council for File #2219 as stated in the Staff Report.  8:03 PM
SECOND: **Commissioner McElreath**
VOTE: All Commissioners present voted in favor. Motion passes unanimously.

ADJOURNMENT: By motion of **Commissioner Warnas**, the meeting was adjourned at 8:06 p.m.

Respectfully submitted by:

Jean Gallegos, Admin Assistant/Recorder for the
City of Taylorsville Planning Commission

Approved in meeting held on: